

**MINUTES**  
**South Carolina Board for Registration of Professional Engineers and Surveyors**  
**Board Meeting**  
**9:30 a.m., May 11, 2010**  
**Synergy Business Park**  
**Kingstree Building**  
**110 Centerview Drive, Conference Room 204**  
**Columbia, South Carolina**

**Meeting Called to Order**

Chairman Gene L. Dinkins, P.E. and L.S., called the meeting to order at 9:35 a.m. Board Members present were Anderson Kinghorn, Jr., P.E.; Thurl Amick, L.S.; Nancy Cottingham, public member; Theresa Hodge, P.E.; Cecil O. Huey, Ph.D., P.E.; and Miller L. Love, Jr., P.E. Charles Joye, P.E., was absent.

Staff members participating during the meeting included: Jan Simpson, Board Administrator, and Melissa Jones, Program Assistant. Other LLR employees participating in the meeting included: Christa Bell, Litigating Attorney, OGC; Todd Bond, Investigator, OIE; Sharon Dantzler, Deputy General Counsel; Sandra Dickert, OBS; Steve Freshley, Chief Investigator, OIE; Dean Grigg, Hearing Advice Attorney; and Jamie Saxon, Hearing Advice Attorney.

Mr. Dinkins announced that public notice of this meeting was properly posted at the SC Board of the Registration of Professional Engineers and Surveyors office, Synergy Business Park, Kingstree Building and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

**Introduction of Board Members and All Other Persons Attending**

Mr. Dinkins introduced the Board members.

**Approval of Agenda**

Mr. Love asked to discuss the Board's panel discussion at the SCSPE conference in June as well as the RCEP program, an NCEES / ACEC joint venture.

Mr. Dinkins stated these two matters are discussion items only and no official action would be taken.

The agenda was accepted as amended.

From 9:37 a.m. to 11:50 a.m. the Board conducted application hearings and disciplinary hearings.

**Application Hearings**

Lisa Wells – Reinstatement application approved  
Signet Engineering PA – Reinstatement application approved upon payment of a \$500 fine and issuance of a letter of caution.

**Disciplinary Hearings**

James Gregory (Lil Ann Gray, LLR attorney) – James Gregory's voluntary and permanent surrender of his license was accepted.

George Rodgers and Automated Systems Engineering, Inc. (Christa Bell, LLR attorney)

Following a short recess the Board reconvened the meeting at 11:58 a.m. and moved to item 13 (g).

**Request for Determination of Acceptable Engineering Experience - Portfolio Process – Raymond Cottrell**

This proceeding was recorded by a court reporter.

**MOTION**

Ms. Hodge made a motion the Board approve Mr. Cottrell for the portfolio process. Mr. Kinghorn seconded the motion, which carried unanimously.

**Approval of the March 16, 2010 Board Meeting Minutes**

**MOTION**

Mr. Amick made a motion the Board approve the minutes of the March 16, 2010 meeting. Ms. Hodge seconded the motion which carried unanimously.

**Chairman's Remarks – Gene Dinkins**

Mr. Dinkins made no remarks at this time.

**Administrator's Remarks, For Information – Jan Simpson**

a. Administrative Disciplinary Report – Melissa Jones (attached)

b. Legislative Report – Jan Simpson

Ms. Simpson stated H.4429 remains in committee; H.4546 and S.1142 both failed to pass the legislature. She noted the Board's committee did an excellent job in gathering financial information. Mr. Joye was unable to attend the meeting; however, Mr. Amick, Mrs. Cottingham and Mr. Kinghorn produced an excellent document.

Mr. Dinkins thanked the committee for their work to ensure the Board complied with the request for budget information.

Ms. Simpson stated the legislature took no action on a bill to create an engineering school at SC State University. The bill transferring the landscape architects to LLR apparently will not pass this session.

c. Administrator's Report – Jan Simpson (attached)

d. Financial Report – Current data not available

The only financial report available is for the period ending October 31, 2009; there has been no official report since then. Ms. Simpson stated in order for the Board to receive a more current financial record, Mr. Dinkins should request the information from LLR's Director of Finance, Barbara Derrick.

Ms. Simpson stated state government is converting to a new financial system, SCEIS, for all financial records, time sheets, and leave information. She noted all of the modules have not been finalized.

- d. Design Professional Meeting Report – Jan Simpson (see Administrator’s Report, attached)

**Office of Investigation and Enforcement Report and Office of General Counsel Report – Todd Bond and Christa Bell**

- a. Number of Investigations

The IRC met on April 27, 2010, during which eight cases were discussed.

**MOTION**

Mr. Love made a motion the Board disapprove the IRC report due to insufficient information. He and other Board members asked for additional information regarding the IRC logic for the recommendations made. Mr. Amick seconded the motion, which carried unanimously.

The Board also asked for additional information, including date complaint was received and date of the IRC meeting, on the IRC report in the future so they would have a better idea of the issues in the cases they are asked to approve. They also asked for more information about alleged violations in Consent Agreements the Chairman is asked to approve.

The Board later reviewed a revised IRC report distributed by Mr. Freshley.

**MOTION**

Mr. Kinghorn made a motion the Board accept the revised IRC report. Mr. Amick seconded the motion, which carried unanimously.

- b. Number of Open Complaint Cases
- c. Number of OIE Pending Investigations

If the Board accepts the IRC report, the number of open cases would drop from 16 open cases to 10 open cases. Six cases are pending Board action. The oldest case is 371 days old and the newest case is 26 days old.

- d. Number of OGC Pending Hearings – Christa Bell

There are currently five open engineers/land surveyor cases in the Office of General Counsel. Three cases have been resolved, one case is pending a consent agreement and one case is pending Board action.

- e. OGC Case Report – Christa Bell  
George P. Seeley – Voluntary Surrender

Mr. Dinkins signed the voluntary surrender on April 23, 2010.

**Unfinished Business**

- a. Building Official Manual - Set Committee Meeting Date

Ms. Simpson asked that the Board set a couple of dates for a joint meeting with the Board of Architecture’s committee to discuss revising the building official manual. A meeting date will be set at a later time.

**New Business**

- a. ABET Criteria for Education Evaluations

Dr. Castro asked the Board for clarification on the appropriate ABET Criteria to use when evaluating an applicant’s education. He currently uses the Criteria from the year the candidate graduated. He asked if he should use the criteria for the year in which the deficiencies were completed or the original date of graduation? A brief discussion ensued. As options, Dr. Castro could indicate if coursework requirements have been substantially met or completely met. Deficiencies based on ABET criteria could be listed. The Board would like to get Dr. Castro’s

recommendation. If the coursework deficiency is not engineering-related, that should be considered; however, deficiencies in major engineering courses could be a deciding factor.

The Board also determined that engineering experience may be counted from the date of substantial completion of the accredited degree.

b. NCEES Education Standards – Review for Acceptance

NCEES will move its Education Evaluations Center from Miami to Clemson in early 2011. NCEES recently reviewed processes used to evaluate non-EAC credentials. ABET currently evaluates outcomes as part of the accreditation process. However, NCEES has determined it is unable to assess outcomes; instead, NCEES is creating a common standard to evaluate all non-EAC programs. NCEES will also discontinue using the term “substantial equivalency” as its use is also being eliminated by ABET.

South Carolina statutes require substantial equivalence to ABET standards, including humanities courses. NCEES has asked if the South Carolina Board will accept evaluations and NCEES Records if the applicant has deficiencies in humanities coursework.

A brief discussion ensued, including Model Law status. It was noted that the Board could still require an applicant to complete education deficiencies. The Board determined it will accept NCEES education evaluations as long as the Center informs the Board of the deficiencies. The Board will evaluate such applications on a case by case basis.

c. Request for Exemption from Continuing Education Requirements – Military Duty

The Board discussed the denial of license renewal as a result of an individual serving in the military for one year and being unable to obtain continuing education.

The Board will consider a waiver or extension request or other remedy from individuals serving in the military outside the U.S. The individual must submit a detailed request for such a waiver or extension along with documentation, and the Board will consider each on a case-by-case basis.

d. Engineer Technology Review Committee Recommendations Charlie S. Brooks – Civil, and Michael Tepedino (denial) — Structural

The Civil Portfolio review committee recommended licensure for Charlie S. Brooks (civil).

The Structural Portfolio review committee recommended that Michael Tepedino’s application for licensure be denied. The Committee reported he was unable to answer fundamental engineering questions. The Committee members included Skip Lewis, Dr. Huey, Ken Timmerman, and John Ray Williams. Mr. O’Connell was unable to attend the meeting.

**MOTION**

Mr. Amick made a motion the Board approve Mr. Brooks for licensure. Mr. Miller seconded the motion, which carried unanimously.

**MOTION**

Mr. Huey made a motion the Board deny Mr. Tepedino’s application for licensure. Ms. Hodge seconded the motion, which carried unanimously.

e. Draft of Policy on Election of Officers

After discussion, the Board accepted the following policy: The policy of the Board shall be to elect officers annually during the last quarter of each calendar year for one-year terms beginning January 1 of the following year. The policy is based on Section 40-22-10(F)(1).

**MOTION**

Mr. Kinghorn made a motion the Board accept the policy with the wording last quarter in the policy. Mr. Amick seconded the motion, which carried unanimously.

**Discussion Topics**

a. Future Zone Meetings

Several Board Members attended a joint Zone meeting in Tampa, Florida, during which time the issue of combined meetings arose. The Northeast Zone voted to hold future meetings with the Southern Zone beginning in 2014 when the SC Board will host. Boards were asked for their preference. The SC Board is not prepared at this time to commit to a joint meeting in 2014.

**MOTION**

Mr. Amick made a motion the Board is not in favor of having another joint meeting at this time. Ms. Hodge seconded the motion, which carried unanimously.

b. Education Evaluation Fee Increase

Due to the time involved in education evaluations, Dr. Castro will increase his fee to \$200.00 per evaluation. This fee is paid by the applicant. This fee is paid by the applicant.

**MOTION**

Mr. Kinghorn made a motion the Board approve the increase in the education evaluation fee to \$200.00. Ms. Hodge seconded the motion, which carried unanimously.

c. Structural Exams after October 2010

Information about the change in Structural Exams in April 2011 was presented. Board staff has alerted all SC candidates who passed Structural I but not Structural II.

d. Computer-Based Testing – Jan Simpson

Information on computer-based testing was presented for the Board's information.

e. Update on Writing New Surveyor State-Specific Exam – Gene Dinkins

The SCSPLS is forming a committee to draft a new surveyor state specific exam based on the new Standards Manual for Surveying.

f. Confirming Appointees to Continue SCSU/USC Joint Curriculum

Mitchell Tibshrary and USC Engineering Chair Bob Mullen met with SC State Dean Ken Lewis and faculty recently to clarify agreements for a joint program. SC State must approve the program. USC will provide courses; there will be no admission process for SCSU students; SCSU students will pay tuition to SCSU; SCSU will underwrite the difference in the cost of courses. Dr. Castro asked Board approval for continuing in his role of consultant to the Board for this project. The Board approved and also asked Mr. Tibshrary to continue his efforts.

Discussion continued regarding SC State informing their students that they must take the USC courses in order to have a substantially equivalent program to meet SC education requirements for licensure. Also, SCSU should make clear to technology program graduates that they have until June 30, 2020 to apply for licensure in South Carolina as Professional Engineers under the

portfolio procedures in Section 40-22-222. Technology students graduating in 2012 will need eight years of engineering experience to qualify for the portfolio licensure pathway.

g. "Bidding" for Engineering Services

Michael Horner of HEG Engineering Consultants, Michael Horton of Davis & Floyd, Jim Justus of Facility Engineering Associates, and Joe Jones spoke to the Board regarding competitive bidding for engineering services, an issue addressed in H.4429. Discussion included public safety, reasons for and against using cost as an evaluation criterion, qualifications-based selection, and pre-qualifying firms. Mr. Kinghorn noted that when engineering services for a project may be provided by a number of equally qualified firms, cost should be allowed to be part of the evaluation criteria. ASCE supports qualifications-based selection. It was also noted during the discussion that North Carolina statutes prohibit engineers from submitting cost as part of proposal.

Mr. Dinkins asked Mr. Kinghorn to work with others to draft mutually acceptable language.

h. Call Center Monthly Reports

This matter was deferred to the next meeting.

i. Test on Statutes and Regulations – Mr. Arvin Thornburg

The Board suspended Arvin Thornburg's license at a previous meeting until he can demonstrate knowledge of the state statutes and regulations. Mr. Thornburg believes he is now ready. Mr. Dinkins, Ms. Simpson, and Ms. Dantzier have discussed options, including a test on the statute and regulations, proctored by staff. Staff will produce a draft of the test for approval by the Board and LLR General Counsel.

j. Fragmented History on Comity Application – Cecil Huey

Dr. Huey requested feedback from other Board members on issues regarding comity applications. Should work experience be accepted when the employer will verify only dates of employment, and how should the Board respond to gaps in employment?

Discussion on this matter ensued and the Board determined that in both situations, the application should be returned to the applicant for more information.

**Board Member Reports**

a. NCEES Engineering Award – Nancy Cottingham

Mrs. Cottingham presented a \$7,500.00 check on behalf of NCEES to the electrical and computer engineering department at Clemson University. NCEES presents this award to promote licensure.

b. NCEES Board – Gene Dinkins

The NCEES Board has discussed Computer-based Testing and additional education. The Board is meeting May 14-16, 2010 in Salt Lake City, Utah. The annual conference will be held August 18-22, 2010 in Denver, Colorado. Ms. Hodge was elected Secretary/Treasurer of the NCEES Southern Zone. NCEES' new policy is that the Zones will pay for all three of the Zone's officers to attend the interim meeting. It will be up to each Zone to decide if it will fund officers to attend the national meeting.

c. NCEES Committee Reports

Mr. Love discussed about the nomination for President-elect from the Central Zone. The Central Zone and Western Zone will hold a joint meeting beginning on May 13, 2010. Mr. Love noted

the nominating committee is scheduled to hold a conference call meeting on May 24, 2010 to vote on the nomination.

Dr. Huey is serving on the exam committee and has attended one meeting. He will file a report later.

Mrs. Cottingham is serving on the Bylaws committee. No report at this time.

Dr. Huey is serving on the faculty licensure committee. The committee is discussing the value of a doctoral degree in meeting licensure requirements and will issue a report later. The biggest problem may be in the workplace rather than at the university.

Ms. Hodge is serving on the UP & LG committee. A new structural exam and conversion to computer-based testing were the main topics of discussion.

Mr. Love is serving on the ACCA committee. He noted the committee will present one candidate for the office of treasurer. He understands any other individual who wishes to run may do so through floor nominations.

Discussion Topics for the Board's Panel at the SCSPE Annual meeting in Charleston in June. Topics could include: QBS, NCEES issues, COAs, license renewals, disciplinary procedures and Board actions, and CBT. Mr. Dinkins, Mr. Love, Ms. Hodge, Mr. Amick, and Mr. Kinghorn will represent the Board on the panel.

#### RCEP Program

Mr. Love reported on NCEES's Registered CE Provider (RCEP) program. ACEC and NCEES have invested a large sum of money in the computer programming and set up of the CE provider program. To date, the number of providers in the program lags behind a similar program at NCARB. RCEP gives engineers the ability to list all of their continuing education and get an activity report based on license expiration dates for states in which the engineer is licensed.

#### NCEES Report – Gene Dinkins, NCEES Treasurer

The number of candidates taking the NCEES exam increased approximately two percent in April 2010. NCEES's budget at this time is around \$1,500,000.00 to \$2,000,000.00 in the black over 2010 budget figures. The goal is to have a reserve fund of \$6,200,000.00 set aside for a total exam breach plus seventy-five percent (75%) of the annual operating revenue.

#### **Public Comments**

No public comments were made during this meeting.

#### **Executive Session**

The Board did not enter executive session.

#### **Adjournment**

##### **MOTION**

There being no further business to be discussed at this time, Mr. Love made a motion the meeting be adjourned. Mr. Amick seconded the motion, which carried unanimously.

The May 11, 2010, meeting of the SC Board of Engineers and Land Surveyors adjourned at 4:22 p.m.

See attachments

[These Minutes were approved as amended on July 20, 2010.]



## Administrative Disciplinary Report – May 11, 2010

Consent Agreement Log for 2010

Name	Date Sent	CA #	Time lapsed	Fees	# of Projects	Violation	Fin
LW Engineering, PC	1/21/2010	CA 001-10	No COA	\$35,000.00	1	Unlicensed Practice	\$5
Hodnett/Hurst Engineers, Inc.	1/21/2010	CA 002-10	No COA	\$ 4,000.00	1	Unlicensed Practice	\$5
Gray Surveying & Mapping, LLC	2/23/2010	CA 003-10	No COA	\$7,440	24	Unlicensed Practice	\$5
Betzwood Assoc.	2/23/2010	CA 004-10	No COA	\$4,000	1	Unlicensed Practice	\$5
Nodarse & Assoc.	3/22/2010	CA 005-10	No COA	\$134,886	3	Unlicensed Practice	\$5

Engineers and Surveyors LOC for 2010	
Date Issued	Nature of Violation
2/23/2010	NC Bd sanctions for surveying violations

Engineers Cease and Desist Orders for 2010		
Name	Date Issued	Reason
LW Engineering, PC	1/21/2010	Unlicensed practice
Hodnett/Hurst Engineers, Inc.	1/21/2010	Unlicensed practice
Gray Surveying & Mapping, LLC	2/23/2010	Unlicensed practice
Betzwood Assoc.	2/23/2010	Unlicensed practice
Nodarse & Assoc.	3/22/2010	Unlicensed practice
Signet Engineering	4/29/2010	Unlicensed practice

### Administrator's Report SC Board of Professional Engineers and Surveyors May 11, 2010

We posted additional information on the Board's web site with details about licensure as a Surveyor with a two-year degree until June 30, 2010, and about the required four-year degree after that date. The information was sent to Brenda Smith with SCSPLS, all Board members, and Board staff.

In March, we sent an e-mail to approximately 200 Professional Engineers who have passed the Structural I exam but not the Structural II exam. October 2010 will be their last opportunity to take Structural II before the exam changes to two 8-hour exams beginning April 2011. If they do not pass Structural II in October 2010, they lose credit for Structural I and must take both 8-hour exams to satisfy requirements of other states that license engineers by category. In South Carolina, this is classified as "adding a discipline" but no additional license is issued.

#### Legislation:

H. 4546 – Pilot project under LLR - recommitted to LCI Committee.

S. 1242 - Pilot project under LLR – never reviewed by S. LCI

S. 062 – Establish Engineering school at SCSU – no action by S. Education Committee  
 S. 1149 – transfer Landscape Architects to LLR – Passed by Senate and sent to House on 5/4/2010  
 H. 4429 – QBS selection – no action

**Financial Report** – Current financial information is not available. The last report was for the period ending October 31, 2009, which was reviewed at the January 2010 meeting.

**Design Professionals Meeting Report** – Jim McCarter, the Board's representative, attended the meeting on April 20. Discussions focused on budget cuts, furloughs, and pending legislation. The procurement process for the new Darla Moore Business School building was discussed as well as the impact that passage of H. 4546 might have on licensing boards.

<b>Number of Active Credentials by Prefix and Status</b>		
<b>Board: Board of Registration for Professional Engineers and Land Surveyors</b>		
<b>as of 5/5/2010</b>		
<b>Query Report: 543</b>		
Credential Prefix	Credential Status	Count
EGT GIS surv-in-training	ACTIVE	1
EIT	ACTIVE	5621
EIT	APPROVED	4
ELS – engineer renewed	ACTIVE	3942
ELS – engineers not yet renewed	ACTIVE IN RENEWAL	11387
ELS	APPROVED	180
ELS	DISCIPLINED	1
ELT LSIT	ACTIVE	108
ELT	APPROVED	1
ENB branches	ACTIVE	695
ENC - firms	ACTIVE	2680
ENG Temporary Engrs	ACTIVE	57
ETC - Temporary COA	ACTIVE	53
ETC	ACTIVE IN RENEWAL	3
<b>subtotal</b>		<b>24733</b>
<b>14 items</b>		